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NOTARY'S ROLE AND AUTHORITY ON THE ISSUE OF INTERRELIGIOUS MARRIAGE IN SURABAYA CITY

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ABSTRACT

Background: Interfaith marriages occur in Indonesia, one of which is in the city of Surabaya. Once the marriage is valid, it must be reported to the Civil Registry Occupation Service and issue an Ottentic Deed. Authentic Deeds that are considered official must comply with the provisions of Article 1868 of the Civil Code. What is meant by official in this article is a notary. This is regulated in Article 1 Article 15 paragraph 1 of UUJN. The Notary Department plays an important role in the ratification of Marriage Certificates both of the same religion and different religions in Indonesia.
Aim: The author's purpose in creating this journal is to find out how interfaith marriage relations in Indonesia with the civil law of interfaith marriage and the hierarchy of laws and regulations related to interfaith marriage.
Method: The research method that researchers use is juridical normative with qualitative research.
Findings: The result of this study is that the Interfaith Marriage Agreement in Indonesia based on Law No. Article 16 of 2019 concerning Marriage clarifies the role of religion in marriage and the confirmation of faith, stating that a valid marriage is a marriage carried out according to the laws of each religion and its adherents. The state leaves the assessment of the validity of marriage to the religion and beliefs of the people concerned. Thus, Law Number 16 of 2019 concerning Marriage is a standard that regulates not prohibits. The state does not prohibit individuals from interfaith marriages.

KEYWORDS *legality, marriage, notary, interreligion*

INTRODUCTION

Marriage is closely related to spirituality and religion based on the first precept of Pancasila, namely the One and Only Godhead. Marriage is valid when it is performed conscientiously in accordance with the laws of each religion or belief. When a person carries out marriage activities, there will be a registration of both civil registration and state registration that proves that the marriage is a valid marriage. Basically, in a marriage, a man can only have one wife. A woman is only allowed to have one husband. The court may allow a husband to have more than one wife if desired by the parties concerned (Imanullah, 2016). In the case of a husband with more than one wife, he must apply to the Court of his residence. The court only allows a husband to have more than one wife if the wife is unable to perform her duties, if the wife is disabled or seriously ill, if the wife is unable to bear children (Kusuma, 2020). In practice, marriage must be prepared correctly and maturely to achieve marriage, so it requires the preparation of the parties both mentally, physically, administratively and attentively.

Indonesia is a country known as a religious country and highly upholds religious culture. Thus, Indonesians view marriage not only as a relationship between humans and other humans, but also as a sacred relationship, namely the relationship between humans and their God.

Therefore, a valid marriage must meet certain religious requirements as well as the conditions stipulated in the applicable laws and regulations, because Indonesia is a legal country that is subject to applicable laws and regulations, because marriage is a human act. Thus, marriage becomes a legal act and inevitably has legal consequences that will later be accepted and lived together by the person who carried out the marriage. So, it is natural that marriage is regulated in the Laws and Regulations in Indonesia. Many couples want to get married but still want to embrace religion in accordance with their respective beliefs because in Article 28E paragraph 1 of the 1945 Constitution it is stated that everyone is free to embrace religion without coercion from others according to what they want to follow. So there was a debate between the two sides. However, interfaith marriage has always been controversial, especially in Indonesian marriage law which has now become a positive law, namely the principle that each party follows its own law to determine the validity of the marriage they have made. In the Marriage Law there is a statement, namely: "Marriage is valid, if it is performed according to the law of each religion and belief", from the Article it can be interpreted that marriage is subject to the religion of the person performing the marriage.

Interfaith marriage related to Article 2 paragraph (1) of the Marriage Law is a "*Blanco Norm*" or Empty Rule. This article regulates legal entities that regulate other legal norms, in this case the religious and belief laws of the bride and groom, are norms that give judges discretion in their judgments. Therefore, when faced with a case concerning the validity of a marriage under Article 2 of the Marriage Law, a judge must carefully consider its validity according to the religious law of his spouse. People who marry between interfaith couples tend to have difficulty interacting in the family, especially if both have children, because they will have difficulty choosing one of the religions adopted by the father and mother. Allowing interfaith marriage will conflict with relevant legal provisions on guardianship, inheritance, and others that oppose Article 2 paragraph 1 of the Marriage Law which says that marriage can take place and can be said to be valid if it is carried out according to the laws of each religion and belief (Hamsin, 2014). Interfaith marriage also opposes Article 8 letter f of the Marriage Law, namely Marriage is prohibited between two people who have a relationship that by their religion or other applicable regulations, is prohibited from marrying (Fikri et al., 2020). The state regulates marriage regulations only to respect the religious laws and beliefs of each religious community in Indonesia. Marriage was actually the first vessel in which a family was created, so the state has an obligation to respect it. This led to a massive interfaith marriage in Indonesia, negating the sanctity of religious law for all religions in the country. After a marriage contract, a person's civil law status changes. Changes are made by registering the marriage with the authorized organization. Based on the formulation of Article 2 paragraph (1), it can be concluded *a contrario* that a marriage held is not in accordance with the applicable law in the religion of each bride and groom's beliefs, it is considered invalid (Siswadi et al., 2022). There are currently six recognized religions in Indonesia, each with its own rules and which tend to strictly prohibit interfaith marriage. Islamic law clearly forbids interfaith marriage, and even if enforced, it is commonly known in society as "*zina* for life" (Tanjuang & Tanjung, 2022). Christianity also prohibits religious differences during marriage because in Christianity the purpose of marriage is to bring happiness between husband, wife and children within the framework of an eternal and lasting family (Wenno, 2021). In Catholic Law, there is a prohibition on interfaith marriage unless there is permission under certain conditions from the

Church to perform interfaith marriage (Rosidah, 2013). While Hinduism strictly prohibits interfaith marriage (Shidiq, 2017). Buddhism does not regulate interfaith marriages and returns to the customs of each region (Ulummudin & Khikmatiar, 2021). In the explanation of Article 2 Paragraph 1 of the Marriage Law, it is affirmed that there is no invalid marriage according to any religion or thought based on the words of Article 2 Paragraph 1 (Sembiring, 2017). The application of Article 2 of the Marriage Law must be interpreted cumulatively, so that the components of Article 2 paragraph (1) and Article 2 paragraph (2) are an integral part. Therefore, it can be concluded that marriage is performed legally according to religious law. Marriage registration is required to obtain legal guarantees such as marital relations, children, property, and inheritance (Usman, 2017). Marriage registration is also regulated in the Population Law No. 23 of 2006. Registration can be done at the Non-Muslim Civil Registration Office and marriage registration can be done at the Islamic Religious Bureau. However, Article 35 letter A of the Population Administration Law stipulates that "marriage shall be decided by a court." Thus, there are indications that marriage between a man and a woman is permissible according to state administrative law (Hidayati, 2022). In the marriage, a marriage certificate will be given birth in the form of an authentic deed authorized by an authorized official. The authorized official in the authentic deed is a Notary. Therefore. Notaries play an important role in the authentic deed based on article 1868 of the Civil Code (Diatmika et al., 2017).

In 2022, many District Courts in Indonesia have determined and granted requests for interfaith marriages and ordered the Civil Registry Occupation Service to register marriages in the marriage registry register, Surabaya is one of the Capital Centers that allows such marriages and is considered valid in the eyes of law and religion. The law states that dukcapil is given the task to carry out marriage registration if the application has become a court determination referring to Law Number 23 of 2006 concerning Population Administration. However, the court's ruling was strongly opposed and caused many problems. Seeing the legal problems that have occurred regarding interfaith marriage which have become controversial and interesting to discuss, researchers want to explore further about interfaith marriage. This study aims to analyze the legality of interfaith marriage in Surabaya City based on the Law, and examine the role and authority of Notaries in legalizing interfaith marriages in Surabaya City.

Researchers expect several outcomes from this study. The practical benefit of this research is that it can be used directly on the object of research in taking a policy between the two parties involved and as a first step and more affirmed in a consideration in marriage regulations. The theoretical benefit is that it can be used well in the development of legal science in an effort to get the best disclosure or solution to problems with interfaith marriage in Indonesia.

METHOD

The type of research used for this research is qualitative research with normative juridical techniques where this writing approach is on the statute approach. The statute approach to Law 1 of 1974 concerning Marriage, Law No. 16 of 2019 concerning amendments to Law No. 1 of 1974 concerning Marriage, Law No. 24 of 2013 concerning Amendments to Law No. 23 of 2006 concerning Population Administration, No. 39 of 1999 concerning Human Rights, and Supreme Court Decision No. 1400K/PDT/1986 which granted interfaith marriage by both parties. Qualitative research is a type of research that is descriptive and tends to use in-depth analysis. The process and significance highlighted in qualitative research have a theoretical

basis as a guideline to orient research in accordance with basic reality (Strauss & Corbin, 2003). This type of research involves the researcher in the event or situation under study. Therefore, there is a need for careful analysis by researchers when conducting research and the process of searching for research results. Because in general, this qualitative research aims to obtain key data.

In this study, the author uses primary legal materials, namely the 1945 Constitution, Law No. 1 of 1974 concerning Marriage, Law No. 39 of 1999 concerning Human Rights, Law No. 23 of 2006 concerning Population Administration, Law No. 24 of 2013 concerning Amendments to Law No. 23 of 2006 concerning Population Administration, Law No. 16 of 2019 concerning Amendments to Law No. 1 of 1974 concerning Marriage, and Supreme Court Decision No. 1400K/PDT/1986.

Secondary legal materials used in relation to primary legal materials used by researchers for research are the opinions of legal experts obtained from registered law books and official journals. Meanwhile, tertiary legal materials use the Big Indonesian Dictionary (KBBI) and several writings published on the official legal website.

The data collection method is carried out by collecting literature studies contained in many sources derived from primary, secondary and tertiary legal materials related to the object of research, then studied by analyzing legal problems that occur in society so as to produce concrete analysis results and do not conflict with applicable law in Indonesia. The data analysis method that researchers use is to process data systematically and be studied comprehensively using qualitative analysis techniques, which is a type of research that produces research with in-depth observation and obtains conclusions from general to specific (inductive) (Rukajat, 2018).

RESULTS AND DISCUSSION

Problems of the Legality of Interfaith Marriage in Indonesia

Interfaith marriage is a problem that is often faced by Indonesian society. Because many religions are adopted by Indonesian people such as Islam, Christianity, Hinduism, Buddhism and Confucianism. Although the 1974 Marriage Law regulates the terms and procedures for interfaith marriage, in practice there are still obstacles. Some of these obstacles are:

Complicated and expensive requirements. Interfaith marriages require more complex requirements from both brides and grooms and are more expensive than same-faith marriages. For example, you must have permission from the religious officer, a certificate from the sub-district office, and witnesses of each religion you profess. religious and cultural differences. Religious and cultural differences between married couples can cause conflicts in family life. These differences can affect aspects such as worship, customs and how to raise children. social discrimination.

Interfaith marriage in Indonesia is still considered taboo by some people. Couples who marry different religions can face discrimination and rejection from family, friends or the environment. Therefore, the bride and groom must carefully consider all possible consequences before deciding to marry different religions. In addition, support and recognition from family and community are needed, so that married couples of different religions can live in harmony together and avoid conflict.

The marriage is invalid because the Indonesian Marriage Law that applies to interfaith marriages is considered invalid if one party does not adhere to the religion of the other. Every citizen must abide by and abide by the existing laws, pancasila, and the 1945 constitution. Therefore, everyone must make religion the basis of national and state life.

Article 2 paragraph (1) of the Marriage Law No. 1 of 1974 which states: "Marriage is valid if it is carried out according to the law of every religion and belief, Marriage law emphasizes religious law in marriage, so the decision to enforce a marriage depends on religious orders," That is, if religious law does not allow interfaith marriage, neither does state law. Whether or not interfaith marriage is permissible depends on religious regulations. The Surabaya District Court granted the legality of registering interfaith marriages at the civil registry office and registered with the Civil Registration Population Office.

History of Interfaith Marriage Arrangements in Surabaya

Interfaith marriage arrangements in Surabaya refer to interfaith marriage arrangements in Indonesia in general. The history of interfaith marriage regulation in Indonesia dates back to the Dutch East Indies era, where Law Number 2 of 1937 was issued to regulate mixed or interfaith marriage (Arifin, 1996).

During the New Order era, the government issued Government Regulation No. 9 of 1975 concerning the implementation of Law No. 1 of 1974 concerning Marriage which affirmed that marriage is only valid if it is carried out according to the laws of each religion and belief. However, after the Reformation, Law Number 1 of 1974 concerning Marriage was revised with the issuance of Law Number 7 of 1989 concerning Marriage (Edyar, 2016). This law allows interfaith marriages provided that the prospective husband and wife have a religion recognized by the state and recognized by their adherents and the permission of each religion adopted by the prospective husband and wife.

In 2019, Law Number 16 of 2019 concerning Marriage was issued and stipulates that marriage is only valid if it is carried out according to the laws of each religion and belief, and the state submits the assessment of the validity of marriage to the religion and beliefs of the community concerned. In the context of Surabaya, as part of Indonesia, interfaith marriage arrangements follow nationally accepted regulations, but there may be differences in implementation in different regions.

When the marriage law came into force until 2006, the registration of interfaith marriages did not have a clear and strong legal basis for its registration. In Law Number 23 of 2006 concerning Population Administration, Article 35 states that: "Marriage registration as referred to in Article 34 also applies to: letter a. marriage determined by the Court. Along with the explanation, what is meant by "Marriage determined by the Court" is a marriage between people of different religions" (Kharisma, 2022).

The hierarchy of laws and regulations in Indonesia, namely:

1) Constitution of the Republic of Indonesia Year 1945;
2) Decrees of the People's Consultative Assembly;
3) Government Laws/Regulations in Lieu of Law;
4) Government Regulations;
5) Presidential Regulation;
6) Provincial Local Regulations;

7) District/City Regulations.

Furthermore, Article 7 paragraph (2) of Law No. 12 of 2011 determines that the force of law regulates the enactment of laws and regulations according to the hierarchy according to Article 7 paragraph 1 (Saraswati, 2013). This means that according to Kelsen, the basic standard is the Constitution of the Republic of Indonesia Year 1945 (UUD 1945) in accordance with Nawiaky. Therefore, the consequence is that the Constitution of the Republic of Indonesia (1945) cancels all secondary regulations (the principle applied by *lex superiori derogat legi inferiori*) and the contents of the Constitution of the Republic of Indonesia (1945) become the source of the formation of laws and regulations, so that the MPR Provisions to the regional regulations of the Republic of Indonesia do not conflict with the 1945 Constitution. According to Ni'matul Huda (, if a lower law contradicts the above regulation, then the regulation can be revoked or canceled (by legal means) (Huda, 2006).

Law No. 12 of 2011 includes legal principles in the formation of laws and regulations in Indonesia (Firdausy & Abdurrahman, 2017), but still raises juridical problems, namely Law No. 12 of 2011 restores the status/position of MPR regulations in the hierarchy of legal provisions. In fact, Law Number 10 of 2004 concerning the Establishment of Law (Law Number 10 of 2004) eliminates the position of the MPR Perpu in the Indonesian legislative hierarchy. This then raises new questions and problems because the existence of MPR regulations in the hierarchy of laws and regulations in constitutional laws and regulations cannot be checked by the law review system, not by the Constitutional Court (MK) or the Supreme Court (MA). That is, if the MPR Perpu contains material that contradicts the NRI Constitution of 1945 or violates the constitutional rights of citizens, and it may and in fact is very difficult to find a mechanism for resolution. The existence of a Presidential Regulation (Perpres) whose substance is almost the same as a government regulation and whose substance is considered uncertain, allows the President to use it for abuse of power.

Indonesian law is not designed and prioritizes the interests of the community. The unilateral formation of laws by the DPR allows for rejection from the public due to the non-fulfillment of the sense of justice. The people hope that the law can protect the rights of every individual, if it has been implemented and made good will create orderly conditions. Meanwhile, if the laws made do not see the reality in society, it will cause social inequality.

Principles of Legality of Interfaith Marriage in Surabaya

The principle of legality of interfaith marriage in Surabaya refers to the provisions of Law No. 1 of 1974 concerning Marriage, which stipulates that marriage is only valid if it is carried out in accordance with the religion and beliefs of each spouse. In case the couple has different religions, then the marriage can be performed on condition that each spouse's religion is recognized by the state and registered with the Ministry of Religious Affairs. The principle of legality also refers to Article 16 of Law No. 16 of 2019 concerning Marriage, which states that the legal assessment of marriage is in the hands of the religion and beliefs of the community concerned, but must meet the provisions stipulated in the law (Alghifari et al., 2021). Thus, the principle of legality of interfaith marriage in Surabaya emphasizes the importance of fulfilling applicable legal requirements so that the marriage is valid and recognized by the state.

In its development, marriage is recognized as a human right enshrined in Law No. 39 of 1999. This confirms that having a family and marrying in the institution of marriage are human

rights that must be respected in relation to fundamental rights (Human existence and survival based on recognition) (Annisa, 2021). Indonesia has many different ethnicities, races and religions, religions in Indonesia are indeed diverse, but the majority are Muslim, so the marriage law is based on Islamic religious law. However, religious diversity in Indonesia causes intermarriage between tribes and different religions. Differences of opinion are normal in family life, however, when it comes to religious differences between husband and wife, religious differences are also prohibited in marriage law because they can cause problems, but the Marriage Law does not provide for the prohibition of interfaith marriage. Marriage is associated with religion, with each religion having a tradition of legal marriage, as is Islam. Islam forbids anyone to marry a person of a different religion because it is not justified by Islamic religious rules. Islam considers marriage between a man and a woman invalid if performed by different religions (Jalil, 2018).

However, there are inevitable conditions, under which couples of different religions are eager to form a nuclear family, and therefore the Church provides conditional reconciliation, i.e. interfaith marriages are performed in the Church with the declaration that they are performed behind closed doors that are celebrated in the church and allow for the Christian upbringing of their children. Similarly, the Catholic Church exempts people of non-believing religion from marriage under the same conditions. In contrast to Protestant Christianity which does not prohibit its adherents from marrying non-believers on the same conditions as in the Catholic Church, because there both teachings aim to love each other.

In Hinduism, interfaith marriage matters are governed by the Manawa Darma sastra or Smerti Vedas, the Code of Marriage for Hindus. Hindus find that marriage is closely related to religion. If the couple is of different religions, the marriage cannot take place and the *brahmin* (priest) will legalize the marriage if the couple wants to become Hindus. From this it can be concluded that Hinduism effectively prohibits its adherents from interfaith marriages (Amir, 2019). Interfaith marriage in Buddhism recognizes marriage. According to Buddhism, the couple received a religious certificate from the Civil Registry Population Service with the intention to marry, as well as the young couple's commitment to maintaining their religion. The prohibition of interfaith marriage is not taught by Buddhism. Buddhists are taught freedom and can marry with different beliefs, so in Buddhism they can choose any life partner even if they have different beliefs, regardless of the religion they profess (Wiludjeng, 2020).

The definition of legality, which essentially contains the word "legal", is something that is in accordance with laws or regulations. According to the Big Indonesian Dictionary (KBBI), legality has the meaning of the term law or enforcement. This means that legality concerns an act or thing that is recognized as long as there is no law regulating it according to Adagium which says that *non obligate lex nisi promulgate* where a law is not mandatory unless enforced.

The application of this principle is the basis for legal certainty and equal treatment before the law. Therefore, the principle of legality is intended to ensure the legal status of citizens vis-à-vis the ruler. The source and access of state power must come from legal provisions. This is as a consequence of Indonesia becoming a state of law or referred to as a state of law as described in the 1945 Constitution.

The principle of legality of interfaith marriage in Surabaya refers to Law No. 1 of 1974 concerning Marriage, which states that marriage is valid if it is carried out according to the

laws of each religion and belief concerned. In this case, interfaith marriages are recognized and legally valid as long as they meet the requirements and procedures set by each religion.

In addition, Law No. 16 of 2019 on Marriage also confirms that the state submits the assessment of the validity of marriage to the religion and beliefs of the community concerned (Taufiqurrohman, 1993). That is, the state does not prohibit individuals from performing interfaith marriages, but regulates and legally recognizes interfaith marriages through the religion and belief concerned.

However, in practice, there are several obstacles and problems related to interfaith marriage in Surabaya, such as lack of understanding and knowledge about the requirements and procedures for interfaith marriage, as well as differences of opinion and beliefs between the families involved. Therefore, efforts are needed to increase public understanding and knowledge about the principle of legality of interfaith marriage and efforts to resolve problems that arise related to interfaith marriage in Surabaya.

The Role and Authority of Notaries in Legalizing Interfaith Marriage in Surabaya

The office of notary is exercised, or its presence is required by law, to assist and serve the public who require authentic written evidence of a circumstance, event or legal act. Actually, a notarial deed can take the following form:

1) Circumstances, events or legal deeds that the parties want to disclose as authentic letters as evidence;
2) Because of the legal provision that certain legal acts must be carried out in the form of official letters.

Notaries are civil servants (*openbare ambtenaren)* who are tasked with making authentic deeds for the benefit of society. The qualification of notaries as officials is related to the authority of notaries according to Article 15 paragraph 1 which updates that notaries are authorized to make deeds provided that such authority is not authorized by other officials or persons. The notary's duty is to establish the legal relationship between the parties in writing and in a certain form, so that it becomes an authentic deed. He is a strong document producer in legal proceedings (Auliaurrosidah & Utomo, 2019).

Article 1868 of the Civil Code became the beginning of the existence of the Notary office in Indonesia. The provisions of Article 1868 of the Civil Code stipulate: "An authentic deed is a deed made in the form prescribed by law by or before a public officer authorized for it at the place where it was made." From the words of Article 1868 of the Civil Code, it can be explained that the conditions of a valid letter are produced in the form required by law, made by an authorized official and previously carried out in a place whose territory is still controlled by the officer who committed the act. In the Notary Office Law, Notaries have the understanding given by UUJNP referring to the duties and authorities of notaries. This means that notaries have duties as officials and are authorized to make notarial deeds and other authorities regulated by UUJNP (Anand, 2018).

Power of attorney is a legal act regulated and given to a position based on the laws and regulations applicable to that position. According to the law, the notary's authority is to make an authentic deed as specified in Article 1 Paragraph 1 of the UUJNP. The notary position is a civil servant in the sense that notary power is never delegated to other civil servants. According to article 15 of the UUJNP, notaries are authorized to:

1) Notaries are authorized to make notarial deeds for all deeds, agreements, and regulations required by laws and regulations and/or desired by the parties in official texts to guarantee the certainty of the date of implementation. Documents, other than documents, provide drafts, copies and citations of documents, so long as the creation of documents is also not delegated or prohibited to other authorities or other persons required by law.
2) In addition to the power of attorney under paragraph 1, the notary has the authority to:
   a) Notaries are authorized to make authentic deeds for all deeds, agreements, and regulations determined by laws and regulations/or desired by the parties interested in the authentic deed and who guarantee the certainty of the date of the deed except for the deed, draft deed, copies and estimated costs, all provided that the making of the deeds is not also granted or excluded by other authorities or other persons prescribed by law.
   b) Notaries are also authorized to: Certify signatures and fix the exact date of the letter under the hand by entering it in a special book; Reserve personal documents by recording them in a special book, making original copies of personal papers as copies containing descriptions as written and described in the letter concerned; verification of the conformity of the photocopy with the original letter; provide legal advice in the preparation of documents; actions related to real estate; or create logs from auction logs. In addition to the above authorities, Notaries have other authorities stipulated in laws and regulations.

Notaries in carrying out their positions and carrying out their responsibilities, must have prohibitions that must not be violated contained in the Notary code of ethics contained in Article 17 of the Notary Position Law Number 2 of 2014 concerning Amendments to Law Number 30 of 2004 concerning Notary Positions, namely (Riviyusnita, 2021):

1) Perform tasks outside the territory of the office;
2) Leave the commercial area for more than 7 (seven) consecutive working days without a valid reason;
3) as a state official;
4) Equal as a government official;
5) Parallel position as a lawyer;
6) In equal positions as officers or employees of state enterprises, regional companies, or private companies;
7) When simultaneously working as a real estate writer outside the notary domain;
8) Become a deputy notary; or
9) Perform any other work that is contrary to religious norms, decency or decency and may harm the honor and dignity of the office.

Notaries play an important role in legalizing interfaith marriages in Surabaya. Based on Article 39 Paragraph (1) of Law Number 30 of 2004 concerning the Notary Position, Notaries have the authority to make marriage certificates for couples who will perform interfaith marriages. In the process of legalizing interfaith marriage, the Notary acts as a party who observes and ensures that all requirements and procedures regulated by laws related to interfaith marriage have been fulfilled. Notaries are also responsible for ensuring that couples who are about to marry have understood and agreed to the legal consequences of interfaith

marriage. In addition, Notaries can also provide legal advice to couples who are about to marry regarding rights and obligations arising from interfaith marriage. In the event of a dispute or dispute related to interfaith marriage, the Notary Public may act as a mediator or legal advisor for the couple involved.

In legalizing interfaith marriages, Notaries are also obliged to submit the necessary documents and information to the local Religious Affairs Office in order to obtain approval and endorsement from the relevant agency. This is done to ensure that interfaith marriages meet legal requirements and are valid in the eyes of the state. In carrying out its role, Notaries must pay attention to aspects of ethics and professionalism. Notaries must maintain the confidentiality and privacy of couples who are about to marry, and must carry out their duties independently and objectively. Notaries must also ensure that all documents and information submitted are true and accurate, and comply with the rules and standards applicable in notary practice.

CONCLUSION

The role and authority of notaries on the problem of interfaith marriage in the city of Surabaya, it can be concluded that the Interfaith Marriage Agreement in Indonesia based on Law No. 16 of 2019 concerning Marriage clarifies the role of religion in marriage and the strengthening of faith. The law states that a valid marriage is a marriage performed according to the laws of each religion and its adherents. The state leaves the assessment of the validity of marriage to the religion and beliefs of the people concerned. Notaries have an important role in helping couples who are about to marry to draft an Interfaith Marriage Agreement. Notaries are authorized to provide information about applicable rules and regulations and provide legal advice to couples who are getting married. In addition, notaries are also responsible for certifying the Interfaith Marriage Agreement and issuing marriage certificates. However, although the state does not prohibit individuals from interfaith marriages, there are still problems that need to be addressed such as religious and cultural differences that can trigger conflicts in the household. Therefore, the role of notaries in drafting Interfaith Marriage Agreements must also be supported by a more holistic approach, such as providing advice on harmony in the household and facilitating couples to get counseling or guidance from competent institutions in the field of interfaith marriage.

Based on the results of research on the role and authority of notaries on the problem of interfaith marriage in the city of Surabaya, there are several suggestions that can be given for future research, namely the need for more in-depth research on public views on interfaith marriage and the role of notaries in overcoming these problems. This can be done through interviews and surveys to the community in the city of Surabaya. It is necessary to analyze the successful implementation of Law No. 16 of 2019 concerning Marriage in overcoming the problem of interfaith marriage in the city of Surabaya. This can be done by comparing data before and after the enactment of the law. It is necessary to conduct research on the role of religion and religious leaders in handling the problem of interfaith marriage in the city of Surabaya. This can be done by conducting interviews and surveys to religious and religious leaders in the city of Surabaya.

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